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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/773,073	02/05/2004	Francoise Bono-Combie	IVD 1000-3	6033
27546 7	590 12/13/2005		EXAMINER	
SANOFI-AVENTIS			HOFFMAN, LEXINGTON A	
PATENT DEPARTMENT-MAIL CODE D-303A ROUTE 202-206 P.O. BOX 6800 BRIDGEWATER, NJ 08807			ART UNIT	PAPER NUMBER
			1625	
			DATE MAILED: 12/13/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
		10/773,073	BONO-COMBIE ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Lexington A. Hoffman	1625				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)⊠	Responsive to communication(s) filed on <u>07 N</u>	ovember 2005.					
2a) <u></u> ☐	This action is FINAL . 2b)⊠ This action is non-final.						
3)[Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
5) 6) 7)	Claim(s) 22 is/are pending in the application. 4a) Of the above claim(s) 22 is/are withdrawn f Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/o						
Application Papers							
 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 							
Priority (under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
2) Notice 3) Infor	ot(s) ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate	O-152)			

DETAILED ACTION

Priority

This application is a DIV of 10/044,223, which is a DIV of 09/423,884, which is a 371 of PCT/FR98/01000, which claims benefit of FR 97065222.

Election/Restrictions

The amendment filed on 11/7/05 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because applicant elected claim 21, drawn to a method of treating pathologies with a compound of claim 19. Claim 19 is drawn to three specific compounds. In that same communication, applicant canceled claims 1-21 and submitted new claim 22. This claim is drawn to a method of inhibiting apoptosis to treat prion diseases (the disease elected by applicant) but instead of the elected specific compounds, the claim contains Markush language for a compound of formula I, thus encompassing far more compound than were elected. The compound portion of this claim is identical to claim 1, which was non-elected and has been canceled.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lexington A. Hoffman whose telephone number is 571-272-4328. The examiner can normally be reached on Monday-Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecelia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lexington Hoffman Art Unit 1625

LH

12/7/05

Supervisory Patent Examiner

Art Unit 1625